

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN MARCOVICH

Case No. CV-08-1736 WDB

Plaintiff(s),

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

v.

VITAMIN SHOPPE INDUSTRIES, INC.,
NUTRITION NOW, INC., et al.

Defendant(s).

_____ /
Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- _____ Non-binding Arbitration (ADR L.R. 4)
_____ Early Neutral Evaluation (ENE) (ADR L.R. 5)
XX Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

_____ Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

- XX the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)
_____ other requested deadline _____

Dated: June 27, 2008

Michael T. Morrissey /s/
Michael T. Morrissey, Attorney for Plaintiff

Dated: _____

Attorney for Defendant

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

☐ Non-binding Arbitration
☐ Early Neutral Evaluation (ENE)
☐ Mediation
☐ Private ADR

Deadline for ADR session

☐ 90 days from the date of this order
☐ other _____

IT IS SO ORDERED.

Dated: _____

UNITED STATES MAGISTRATE JUDGE